

REPORTS ANALYSIS DIVISION REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: June 5, 2013

ANALYST: Sarah Juris

I. COMMITTEE:

Central Valley Independent PAC
C00532382
Ross Allen, Treasurer
P.O. Box 416
Coalinga, CA 93210

II. RELEVANT STATUTE:

2 U.S.C. §434(b)(4)
2 U.S.C. §434(g)(1)
11 CFR § 104.3(b)
11 CFR § 104.4(c)

III. BACKGROUND:

Failure to Provide Supporting Schedules (Failure to Timely File 24-Hour Reports)

Central Valley Independent PAC ("the Committee") failed to timely file one (1) 24-Hour Report to support two (2) independent expenditures totaling \$166,391.00 disclosed on the 2012 30 Day Post-General Report, made after the 20th day, but more than 24 hours before the 2012 General Election (Attachment 2).

On December 6, 2012, Jim Tyrrell, an attorney for the Committee, called a Reports Analysis Division ("RAD") Analyst to find out how to report an invoice for an independent expenditure that was disseminated and paid for on October 26, 2012. The Analyst told Mr. Tyrrell to file a 24-Hour Report and explained that the independent expenditure should also be disclosed on the 2012 30 Day Post-General Report. The Analyst suggested that Mr. Tyrrell file a Miscellaneous Electronic Submission ("Form 99") to explain why the 24-Hour Report was not filed in a timely manner (Attachment 3).

On December 6, 2012, the Committee filed its 2012 30 Day Post-General Report covering the period from October 18, 2012 through November 26, 2012, which included a Schedule E (Itemized Independent Expenditures) disclosing four (4) independent expenditures totaling \$210,929.00, made in opposition to one (1) federal candidate, all of which required a 24- Hour Report to be filed. The Committee failed to timely file one (1) required 24-Hour Report to support two (2) independent expenditures totaling \$166,391.00 (Images 12962988786-7; Attachment 2).

On December 6, 2012, the Committee also filed one (1) 24-Hour Report to support two (2) independent expenditures disseminated on October 26, 2012 and disclosed on the 2012 30 Day Post-General Report (Image 12962986922; Attachment 2).

On February 6, 2013, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2012 30 Day Post-General Report. The RFAI noted that the Committee may have failed to timely file one (1) or more of the required 24-Hour Reports regarding "last minute" independent expenditures. A chart was included with the RFAI identifying one (1) independent expenditure, totaling \$166,062.00, for which a 24-Hour Report had not been timely filed¹ (Images 13330021959-61).

On March 13, 2013, the Committee filed a Form 99 in response to the RFAI. The Form 99 stated, in part:

"In this case, [Central Valley Independent PAC (CVI)] promptly and sua sponte reported this [independent expenditure (IE)] on a 24 hour report as soon as information that could require the report became available. Pursuant to the Commission's Statement of Policy Regarding Treasurers' Best Efforts from 2007 (Notice 2007 13, 72 FR 31438), CVI used its best efforts and took all reasonable steps to expeditiously file this 24 hour IE report.

CVI presently has minimal funds remaining in its account, and it is no longer soliciting contributions or making expenditures. It is currently in the process of terminating (Image 13961150432)."

On March 15, 2013, the RAD Analyst left a voicemail for Ross Allen, the Committee's treasurer, to inform him that the Committee may be referred for further action by the Commission due to the Committee's failure to timely file a required 24-Hour Report (Attachment 3).

On March 22, 2013, the RAD Analyst received a call from Leilani Talty, a bookkeeper for the Committee. Ms. Talty explained that she was calling on behalf of Mr. Allen regarding a voicemail message he received from the Analyst. Ms. Talty asked about the details of the possible referable matter. The Analyst informed Ms. Talty that the pending referral was the result of a 24-Hour Report that had not been timely filed and

¹ The RFAI chart inadvertently omitted an independent expenditure totaling \$329.00.

that the Committee could provide any additional clarifying information for the public record. Ms. Talty explained that the Committee had hired an attorney to assist with compliance who had informed the Committee of the requirement for the 24-Hour Report after the deadline for its filing. She asked how she could submit an explanation to be placed on the public record. The Analyst told Ms. Talty that she should file a Form 99 (Attachment 3).

Subsequently on March 22, 2013, the RAD Analyst left another voicemail for Mr. Allen to let him know that she had spoken with Ms. Talty. The Analyst said that she had explained the details of the pending referable matter to Ms. Talty and told her to call if she had any further questions. The Analyst also told Mr. Allen that he could contact her if he had any further questions (Attachment 3).

On March 25, 2013, the Committee filed a Form 99 which stated, in full:

"We had a late 24 hour filing due to the fact that the attorney that we hired to fill out these reports did not advise us of the due dates and the requirements. He was advised to fill out the first form and he did and he was instructed to fill out the forms going forward. Instead he told us about the due date after it had passed (Image 13961223829)."

To date, no further communication has been received from the Committee regarding this matter.

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O-Index (2013-2014)													
Cmte. ID: C00532382 Cmte. Name: CENTRAL VALLEY INDEPENDENT PAC													
Treasurer Name: ROSS ALLEN Address: PO BOX 416, COALINGA, CA 93210													
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER													
Form Tp	Rpt Tp	Alt	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts & Loans
MS-T			3/13/2013	1	13961150432								
MS-T			3/25/2013	1	13961223829								
Totals										\$0	\$0		

O-Index (2011-2012)													
Cmte. ID: C00532382 Cmte. Name: CENTRAL VALLEY INDEPENDENT PAC													
Treasurer Name: ROSS ALLEN Address: PO BOX 416, COALINGA, CA 93210													
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER													
Form Tp	Rpt Tp	Alt	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts & Loans
RQ2	30G	N	2/6/2013	3	1330021959	10/18/2012	11/26/2012	2/6/2013					
F3XN	12G	N	10/24/2012	6	12940413634	10/1/2012	10/17/2012		\$0	\$130,000	\$68	\$129,932	\$0
F3XN	30G	N	12/6/2012	9	12962988779	10/18/2012	11/26/2012		\$129,932	\$101,000	\$226,179	\$4,753	\$0
F3XN	YE	N	2/7/2013	5	13960811305	11/27/2012	12/31/2012		\$4,753	\$0	\$0	\$4,753	\$0
F1		N	10/11/2012	6	12030900894								
Totals										\$231,000	\$226,247		

O-Index (2009-2010)													
Cmte. ID: C00532382 Cmte. Name: CENTRAL VALLEY INDEPENDENT PAC													
Treasurer Name: ROSS ALLEN Address: PO BOX 416, COALINGA, CA 93210													
Cmte. Type: O (INDEPENDENT EXPENDITURE-ONLY COMMITTEE) Cmte. Designation: U (UNAUTHORIZED) Filing Frequency: QUARTERLY FILER													
Form Tp	Rpt Tp	Alt	Recpt Dt	Pgs	Begin Img#	Beg Cvg Dt	End Cvg Dt	Ltr Mail Dt	Begin Cash	Recpts	Disb	End Cash	Debts & Loans

No records were found for this cycle.

Central Valley Independent PAC (C00532382)
2012 30 Day Post-General Report

24-Hour Reports Not Timely Filed

Name of Payee	Date of Expenditure (Schedule E)	Expenditure Amount	Candidate Opposed	Election	Date Report Filed
SRCP Media, Inc.	10/26/12	\$166,062.00 24-Hour Report Required	Jim Costa	2012 General	12/6/12
SRCP Media, Inc.	10/26/12	\$329.00 24-Hour Report Required	Jim Costa	2012 General	12/6/12
	TOTAL	\$166,391.00			